

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

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RICHARD LASK,	:	U.S. DISTRICT COURT
	:	Case No. 1:24-cv-00455
Plaintiff,	:	SOUTHERN DISTRICT
	:	OF OHIO-CINCINNATI
vs.	:	Judge Jeffrey P. Hopkins
RANDY WALTERS, et al.,	:	Magistrate Judge Elizabeth P. Deavers
Defendants.	:	<u>42 U.S.C.S. § 1983</u>
	:	

MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT
TO CONFORM TO THE EVIDENCE

AND REQUEST TO THE COURT TO STAY THE DEFENDANTS ANSWER UNTIL
SUCH TIME THIS COURT COMES TO A DECISION ON THE MOTION FOR LEAVE TO AMEND
(Doc.# 7), (Doc.# 8), and (Doc.# 12)

Plaintiff, Richard Lask, pro se, pursuant to Rule 15 (a)(1), Fed. R. Civ. P., request leave to file an amended complaint adding the previous claims of:

1. False Arrest/False Imprisonment
2. 42 U.S.C.S. § 1983 Conspiracy

3. Since the filing of Plaintiff's original complaint that was 112 pages in length, and this Court's Order issued on September 6, 2024, pursuant to Fed. R. Civ.P. (8)(a), which provides that a complaint must contain a "short and plain statement of the claim." (Doc.#: 3 Filed 09/06/2024 PAGEID #: 378-379) Plaintiff's limited understanding of what the Court's implied instructions were in adhering to Fed.R.Civ.P., Rule (8)(a) confused the Plaintiff in identifying the "exhibit's of evidence" filed with the original complaint to conform to the Factual Allegations and Claims presented for relief identifying each Defendant individually and the Cause of Action that violated the Plaintiff's constitutional rights to the Fourth, Sixth, and Fourteenth Amendments to the United States Constitution for the invalid charges that lacked probable cause, a warrant, or exceptional circumstances under the automobile exception to a lawful arrest.

4. Plaintiff's factual allegations and causes of action is premised on his False arrest/False imprisonment for an unlawful seizure of his person without probable cause, a warrant, or exceptional circumstances to the warrant requirement in violation of the Fourth Amendment when Plaintiff was unlawfully seized in his person and arrested for an invalid charge of O.V.I, Running a Stop Sign, and Driving Left to Center without probable cause, or a warrant, or exceptional circumstances to the warrant requirement...When a government official brings - multiple charges, only one of which lacks probable cause, the valid charges do not insulate the official(s) from a Fourth Amendment malicious-prosecution claim per 42 U.S.C.C § 1983 relating to the invalid charge(s). The valid charges do not create a categorical bar. Chiaverini v. City of Napoleon, 602 U.S. 556, 144 S. Ct. 1745, 219 L. Ed. 2d 262. Plaintiff in Fourth Amendment based malicious prosecution...See (Doc.# 7)(Doc.# 8), and (Doc.# ~~1A~~)

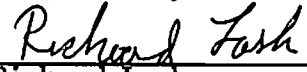
5. Plaintiff's claims of false arrest and false imprisonment in violation of the Fourth Amendment against Defendants Samuel Purdin and Randy Walters protects individuals from unreasonable searches and seizures. U.S. Const. Amend. IV; see United States v. Torres-Ramos, 536 F. 3d 542, 554 (6th Cir. 2008)("In the absence of probable cause, an arrest constitutes an unreasonable seizure in violation of the Fourth Amendment"). Claims for false arrest and false imprisonment under §1983 overlap, and "the former is a species of the latter." Wallace v. Kato, 549 U.S. 384, 388, 127 S. Ct. 1091, 166 L. Ed. 2d 973 (2007). The same analysis applies to claims of false arrest and false imprisonment under federal law. See id. at 389.

6. This Court should freely give leave to amend paragraph's 1, 2, 10, and 13 through 30 respectively in addition as "justice so requires." Fed.R.Civ.P. 15(a) (2). "[A] motion to amend should be denied only where it would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." Foman v. Davis, 371 U.S. 178, 182, 83 S. Ct. 227 (1962);

7. Plaintiff's false arrest and false imprisonment claims, including his claims against Samuel Purdin and Randy Walters for Franks violations are essential to support his claims for malicious prosecution, and do support the participation of Defendants Chandler Rule, David Kelley, and Brett M. Spencer's knowing participation in Plaintiffs malicious-prosecution.

8. Because Plaintiff is acting pro se, the documents which he has filed are held to a less stringent standard than if they were prepared by a lawyer and therefore construed liberally. See Haines v. Kerner, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L.Ed. 2d 652 (1972).

Respectfully submitted,

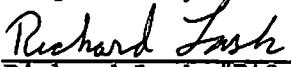

Richard Lask, pro se
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify under the penalty of perjury (see 28 U.S.C. §1746) that copy of the foregoing Motion For Leave To Amend Complaint to Conform to the Evidence has been sent by regular U.S. Mail, postage prepaid, for Filing in the U.S. District Court, Southern District of Ohio, Office of the Clerk, Potter Stewart US Courthouse Room 103, 100 East Fifth Street, Cincinnati, OH 45202 on this 28th day of October 2024; and a copy was sent to Respondent's counsel of record Matthew S. Teetor (0087009) and DeGerald Edwards (0102083) Teetor/Westfall, 200 E. Campus View Blvd., Ste. 200 Columbus , Ohio 43235; and a copy was sent to Defendant Chandler Rule (Highway Patrolman) Kansas Highway Patrol 3501 N.W. Highway 24, Topeka, KS 66618 who has not appeared with counsel to date.

And a copy was sent to:
Counsel of record for Hon. Judge
Brett M. Spencer
Cooper D. Bowen (0093054)
Brian T. Smith (0102169)
600 Vine Street, Suite 2650
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Respectfully submitted,


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Plaintiff, pro se

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"LEGAL MAIL"

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FOREVER / USA

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Southern District of Ohio
Office of the Clerk
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